



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,177	09/10/2004	Michael Maurice Butler	101709.55374US	4396

23911 7590 06/04/2009  
CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER
----------

PIHULIC, DANIEL T

ART UNIT	PAPER NUMBER
----------	--------------

3662

MAIL DATE	DELIVERY MODE
-----------	---------------

06/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/507,177	<b>Applicant(s)</b> BUTLER, MICHAEL MAURICE	
	<b>Examiner</b> Dan Pihulic	<b>Art Unit</b> 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11, 13-19, 23 and 25-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-33 and 35 is/are allowed.
- 6) ☒ Claim(s) 11, 13-19, 23, 25, 34 and 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

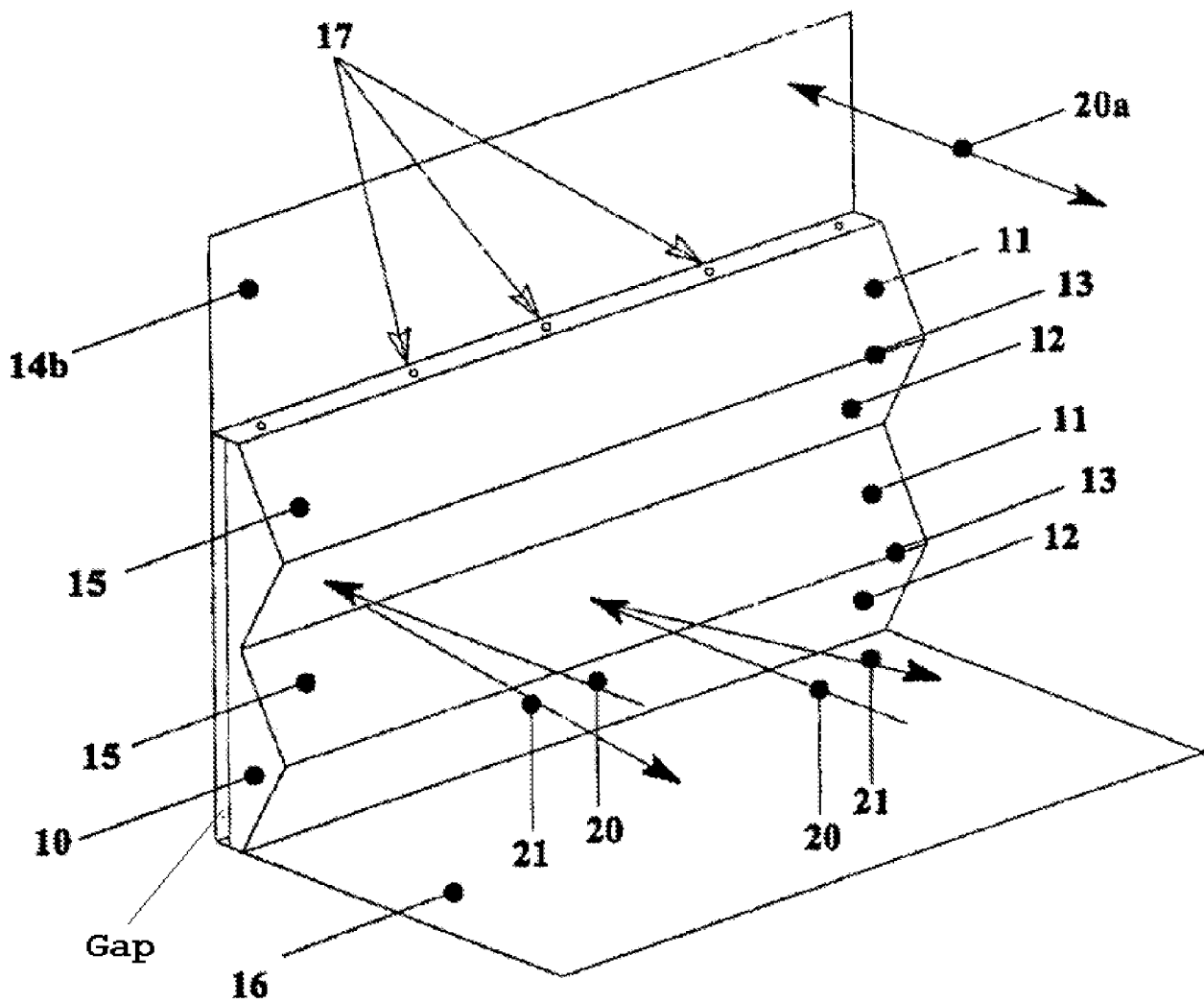
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3662

1. Applicant's arguments filed 2-3-2009 have been fully considered but they are not persuasive with regards to claim 11. Figure 3 of the WO0109562 reference clearly shows a Gap (as indicated by the examiner) between the side of the object (14b) and the array (10).

**Figure 3**

Applicant also appears to be arguing that the phrase "the array is positioned at a location that is separated at a distance from said at least one object" means the array is not attached to the object such as a wind turbine. The examiner considers this interpretation not to be the broadest reasonable interpretation. Figure 3 of the WO0109562 reference clearly shows the array (10) separated by a distance from the object (14b) by a Gap (as indicated by the examiner). Also the WO0109562 reference discloses protecting buildings and vessels, thus the array would inherently protect objects inside the buildings and vessels such as people that would not be attached to the arrays. Also the claims do not include an object limitation such as a wind turbine.

Applicant also argues that both Stafford and Fischer is intended for use in a mobile object to avoid detection from an unknown receiver in an unpredictable direction. The WO0109562 reference discloses retrofitting a building (see page 5, lines 15-31).

Applicant also argues the Fisher reference excludes a convex curved configuration which supports dispersion of said incident electromagnetic radiation. The claims do not include the term "convex" and Figure 5 discloses a curved surface (23) that produces a divergent cone (50).

2. The amendment drawings filed 2-3-2009 are objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Figure 2 is now drawn with convexed reflectors where the specification only discloses curved reflectors.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

4. A person shall be entitled to a patent unless -

Art Unit: 3662

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11, 13-15 17, 19, 25 and 36-41 are rejected under 35 U.S.C. 102(b) as being anticipated by WO0109562. The WO0109562 reference discloses the utilization of an apparatus for reducing electromagnetic radiation reflected from at least one object in the direction of at least one electromagnetic radiation receiver (Threat Direction), the apparatus comprising an array (11 and 12), provided between each object (14b) and objects inside of the object (14b) and receiver, of at least one substantially reflective panel (11 and 12), each panel arranged such that the array reflects and disperses incident electromagnetic radiation away from each receiver (see Figure 2 and the Abstract) as recited in claims 11 and 36. Figure 3 of the WO0109562 reference clearly shows the array (10) separated by a distance from the object (14b) by a Gap (as indicated by the examiner). Also the WO0109562 reference discloses protecting buildings and vessels, thus the array would inherently protect objects inside the buildings and vessels such as people that would not be attached to the arrays.

With regards to claim 13, the WO0109562 reference discloses the utilization of panels that reflect radar (see the Abstract and Figure 2).

With regards to claim 14, the WO0109562 reference discloses the utilization of absorbing material (see page 2, lines 3-4).

With regards to claim 15, the WO0109562 reference discloses the utilization of planar panels 11 and 12 (see the Abstract and Figure 3).

With regards to claim 17, the WO0109562 reference discloses the utilization of irregularly shaped panels (see page 3, lines 31-32).

With regards to claims 19 and 25, the WO0109562 reference discloses the utilization of facets (see page 4, lines 3-5).

Art Unit: 3662

With regards to claims 37-39, the WO0109562 reference discloses retrofitting a building (see page 5, lines 15-31).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16, 18, 23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO0109562 as applied to claim 11 above, and further in combination with US5488372. The difference between the WO0109562 reference and claims 16, 23 and 34 is that the claims recite the utilization of curved panels. The US5488372 reference teaches that it was well known in the art to utilize curved panels (see Figure 5 element 23) that produces a divergent cone (50). It would have been obvious to modify the WO0109562 reference to utilize curved panels as motivated by the US5488372 reference to enable the WO0109562 system to avoid undesirable echoes at close proximity to a radar source (see column 1, lines 1-30).

With regards to claim 18, the WO0109562 reference discloses the utilization of facets (see page 4, lines 3-5).

8. Claims 26-33 and 35 are allowed.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

Art Unit: 3662

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Claims 26-33 and 35 are allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pihulic whose telephone number is 571-272-6977. The examiner can normally be reached on Tuesday through Thursday and every other Monday and Friday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are:

571-273-8300 for official responses, and

571-273-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the telephone number 800-786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

**/Dan Pihulic/  
Primary Examiner, Art Unit 3662**